

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 33567 of 2006(U)

PETITIONER:

**P.RAJENDRAN NAIR,
TC 28/1523, SREEPADMAM, SREEKANTESWARAM,
THIRUVANANTHAPURAM.**

**BY ADV. SRI.GEORGE POONTHOTTAM,
SRI.P.SUBAIR KUNJU.**

RESPONDENTS:

- 1. LIC HOUSING FINANCE LTD.,
SHAHI TOWERS, IYYATTIL JUNCTION,
CHITTOOR ROAD, ERNAKULAM, REPRESENTED BY
ITS AREA MANAGER.**
- 2. AUTHORISED OFFICER,
LIC HOUSING FINANCE LTD., AREA OFFICE,
2ND FLOOR, LEELA TOWERS, KESAVADASAPURAM,
THIRUVANANTHAPURAM.**
- 3. N.MOHANAN PILLAI,
KAIPPALLY HOUSE, T.C. 28/837,
VANCHIYOOR, THIRUVANANTHAPURAM.**

W.P.(C). NO.33567/2006:

**4. MRS. JAYA PRABHA,
KAIPPALLY HOUSE, T.C. 28/837,
VANCHIYOOR, THIRUVANANTHAPURAM.**

**BY ADV. SRI.R.S.KALKURA FOR R1 & R2,
SRI.RAM MOHAN.G. FOR R3,
SRI.G.P.SHINOD,
SRI.MANU V,**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21/03/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.33567/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE AGREEMENT DTD. 01/01/2002.

EXT.P2: COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE R.3. DTD. 30/03/2002.

EXT.P.3: COPY OF THE AGREEMENT DTD. 03/08/2002.

RESPONDENT'S EXHIBITS:

EXT.R1.A: COPY OF THE NOTICE DTD. 20/06/2006.

EXT.R1.B: COPY OF THE POSTAL ACKNOWLEDGEMENT INDICATING THE RECEIPT OF THE SUIT NOTICE.

EXT.R3.A: COPY OF THE RECEIPT MLR NO. 44 DTD. 10/03/2007 ISSUED TO THE PETITIONER BY THE R.1. EVIDENCING PAYMENT OF RS. 7,11,685/- TO THE LOAN A/C. 19096195.

EXT.R3.B: COPY OF THE NOTICE DTD. 13/09/2006 ISSUED BY THE PETITIONER.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 33567 OF 2006-U

JUDGMENT

The petitioner's apprehension was that he may be evicted from the premises in his possession, invoking the provisions under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Now, it is submitted on behalf of the 1st respondent LIC Housing Finance Ltd as well as the loanees that the loan account has already been closed. The 3rd respondent is the owner of the premises in the possession of the petitioner. So, the threat of eviction using Section 13(4) of the said Act no longer survives. In view of the above position, the writ petition is closed. The amount deposited by the petitioner pursuant to the interim order of this Court shall be returned to him by the 1st respondent.

21st March, 2007.

K.BALAKRISHNAN NAIR, JUDGE.

Nm/